

PS 8B
(05/08)

May 20, 2010

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

FILED

10 JUN -2 AM 10:04

Request for Modifying the Conditions of Pretrial Release

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Name of Defendant: Daly, Danny

BY: 
Dkt No.: 09CR1336JAH-005

Name of Judicial Officer: The Honorable John A. Houston, U.S. District Judge

Date Conditions Were Ordered: March 25, 2009, before the Honorable Louisa S. Porter, U.S. Magistrate Judge

Conditions of Release: Restrict travel to Southern & Central Districts of California and do not enter Mexico; report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court; not possess or use any narcotic drug or other controlled substance as defined in 21 U.S.C. § 802, without a lawful medical prescription; not possess any firearm or other dangerous weapon or explosive device; actively seek and maintain full-time employment, schooling, or a combination of both.

Modification: None

Date Released on Bond: March 26, 2009

Charged Offense: Title 21, U.S.C., Secs. 841 (a)(1) and 846 - Conspiracy to Distribute and Possess with Intent to Distribute Marijuana; Title 21, U.S.C. Sec. 848 (a) - Continuing Criminal Enterprise; Title 21, U.S.C., Sec. 841 (a)(1) Possession of Marijuana with Intent to Distribute; Title 18, U.S.C., Sec 2 - Aiding and Abetting; Title 18, U.S.C., Sec. 922(g)(5)(A) and 924(a)(2) - Illegal Alien in Possession of a Firearm; Title 21, U.S.C., Sec. 853 - Criminal Forfeiture

Next Court Hearing: July 21, 2010, at 8:30 a.m., before your Honor

Asst. U.S. Atty.: John R. Kraemer
(619) 557- 2934

Defense Counsel: Vick Bajaj (Retained)
(619) 525-7005

Prior Violation History: None

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PETITIONING THE COURT

TO MODIFY THE CONDITIONS OF SUPERVISION AS FOLLOWS:

PRAYING THE COURT WILL ORDER THE DEFENDANT'S CONDITIONS OF RELEASE BE MODIFIED TO INCLUDE DRUG TESTING AND/OR TREATMENT AS SPECIFIED BY THE PRETRIAL SERVICES OFFICER FOR DRUGS OR ALCOHOL.

CAUSE

On May 17, 2010, Pretrial Services was notified by U.S. Probation Officer, Kevin Pagay, that he met with the defendant on May 12, 2010, for his Pre-sentence interview. During the course of the interview the defendant admitted to using marijuana while on pretrial release.

On May 18, 2010, the undersigned contacted the defendant and questioned him about his drug use while on Pretrial Services supervision. The defendant admitted he has been using marijuana occasionally, and reports he last used marijuana on May 17, 2010. The defendant also indicated he would not have a problem refraining from further drug use. Additionally, the defendant stated he would not be opposed to modifying his conditions of release to include drug testing and/or treatment.

Pretrial Services has contacted Assistant United States Attorney, John Kraemer to advise him of the intended modification of the defendant's condition of release to include drug testing and/or treatment. Attorney John Kraemer does not oppose the added condition of drug testing and/or treatment.

Pretrial Services has spoken with both sureties, Waleed and Ahlam Toma, and both are in agreement to the added condition of drug testing and/or treatment.

Pretrial Services has left two messages, and sent an e-mail to attorney Vick Bajaj advising him of our intended modification of adding drug testing and/or treatment as an added condition of the defendant's release. However, our office has not received a return response by counsel as of this writing.

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U.S. Pretrial Services Officer Recommendation: The defendant has been admonished for not being forthright with Pretrial Services regarding his illicit drug use. At this time, Pretrial Services would request to modify the defendant's conditions of release in order for our office to further monitor the defendant's compliance while on Pretrial Services supervision.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 5-20-10

Respectfully submitted:

by Sabrina Hall
Sabrina Hall
United States Pretrial Services Officer
(619) 557-6145
Place: San Diego, California

Reviewed and approved:

Anthony Ortiz
Anthony Ortiz
Supervising U.S. Pretrial Services Officer
(619) 557-6323

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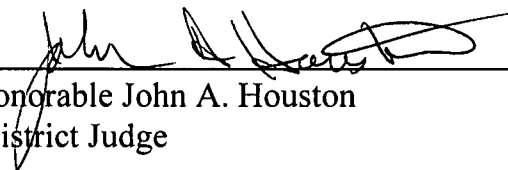
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THE COURT ORDERS:

☒ **AGREE**, Order the defendant to submit to testing and/or treatment as specified by the
Pretrial Services Officer for drugs or alcohol.

☐ Other _____



The Honorable John A. Houston
U.S. District Judge

5-27-10

Date